

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES))
FOR THE STATE OF OKLAHOMA,)
)
Plaintiff,)
)
vs.) 4:05-CV-00329-TCK-SAJ
)
TYSON FOODS, INC., et al,)
)
Defendants.)

THE VIDEOTAPED DEPOSITION OF

BERTON FISHER, PhD, produced as a witness on

behalf of the Defendants in the above styled and

numbered cause, taken on the 23rd day of January,

2008, in the City of Tulsa, County of Tulsa, State

of Oklahoma, before me, Lisa A. Steinmeyer, a

Certified Shorthand Reporter, duly certified under

and by virtue of the laws of the State of Oklahoma.

Exhibit 5

TULSA FREELANCE REPORTERS
918-587-2878

1 contains very high levels of phosphorus, high levels
2 of copper and zinc and arsenic in most cases, except
3 for Tyson's, I believe current waste is not, but
4 historically it would have. So there is a chemical
5 signature, which I believe Dr. Olsen will discuss,
6 that relates waste composition to its so-called
7 poultry signature, but it's chemically distinctive.

02:06PM

8 The only large significant source of -- it's not
9 just looking at phosphorus, for example. You're

10 looking at numerous components. In this case I

02:06PM

11 think Dr. Olsen looked at 26 components. In this
12 case we could refer your attention to the ones that
13 are very easily demonstrated to be changing in time,
14 and those would be phosphorus, copper, zinc and
15 arsenic.

02:06PM

16 Q All right. You do not disagree, do you, sir,
17 there are other sources, significant sources of
18 phosphorus in the watershed?

19 A I think there are other sources of phosphorus
20 in the watershed.

02:07PM

21 Q But you don't know whether they're significant
22 or not?

23 A I have not completed that analysis.

24 Q I thought you just told me that the only
25 significant sources of some of these chemicals were

02:07PM

1 poultry?

2 A Well, in combination, that's true.

3 Q Well, is there another significant source of
4 copper in the watershed?

5 A It's not as simple as individual sources. 02:07PM

6 There's a specific composition of the waste with
7 respect to its internal consistency of phosphorus,
8 copper, zinc and arsenic.

9 Q Well, explain that internal consistency
10 between the specific components that is the 02:07PM
11 signature of poultry waste.

12 A I think that's really Dr. Olsen's position.

13 Q Are you relying at all, sir, upon any
14 independent work that you've done yourself regarding
15 a chemical signature for poultry as part of your 02:08PM
16 opinions offered in the affidavit in this case?

17 A A review of waste composition.

18 Q Okay. Tell me --

19 A Which would confirm that poultry waste is --
20 shows elevated levels of phosphorus, copper, zinc 02:08PM
21 and arsenic.

22 Q Okay. When you say elevated, elevated in
23 reference to what?

24 A Well, elevated in reference to soils.

25 Q Soils are not the only source of phosphorus, 02:08PM